

United States District Court  
Northern District of California

SARA VITERI-BUTLER,

Plaintiff,

v.

UNIVERSITY OF CALIFORNIA,  
HASTINGS COLLEGE OF THE LAW,

Defendants.

Case No.: CV 12-02651 PJH (KAW)

ORDER TERMINATING JOINT  
DISCOVERY LETTERS AS UNTIMELY,  
DENYING MOTION TO STRIKE AS MOOT

On November 19, 2013, Plaintiff Sara Viteri-Butler filed a discovery letter in which she challenged the propriety of opposing counsel's instructions during a deposition. (Dec. 19, 2013 Joint Ltr., Dkt. No. 90.) Even though Defendant UC Hastings argued that the submission was untimely because it was filed after the discovery cut-off, Defendant nonetheless filed another version of the same joint letter, adding over 40 pages of exhibits, on December 20, 2013. (Dec. 20, 2013 Joint Ltr., Dkt. No. 91.) Plaintiff then moved to strike the filing, arguing that it violates this court's standing order. (Mot. to Strike, Dkt. No. 93.)

The parties' joint letters are untimely. The letters were filed outside the applicable timeframe set forth in Civil Local Rule 37-3. Civil Local Rule 37-3 provides that "no motions to compel fact discovery," or in this case, no joint discovery letter brief, "may be filed more than 7 days after the fact discovery cut-off." In this case, the presiding judge extended the discovery cut-off date to November 20, 2013. The two joint letter briefs at issue here were filed well outside that time period. The court therefore terminates those joint letters as untimely. Plaintiff's motion to strike is denied as moot.

The court will, however, resolve the parties' joint letter brief filed on December 17, 2013 (Dkt. No. 86) regarding issues relating to Defendant's compliance with this court's September 30, 2013 discovery order, because prior to the applicable deadline, the court instructed the parties to

1 refile their individual submissions in a manner consistent with this court's standing order. The  
2 parties shall seek leave from the presiding judge before filing any other joint discovery letter  
3 briefs in this case, as the deadline for doing so has passed.

4 IT IS SO ORDERED.

5 DATE: December 20, 2013

  
KANDIS A. WESTMORE  
United States Magistrate Judge

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